

AMENDED IN ASSEMBLY MAY 7, 2003

AMENDED IN ASSEMBLY APRIL 21, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1369

Introduced by Assembly Member Pavley

~~(Coauthor:~~ **(Coauthors: Assembly Members Calderon, Hancock,
Koretz, Maze, Mullin, and Vargas)**

(Coauthors: Senators Figueroa, Machado, Romero, and Soto)

February 21, 2003

An act to add Section 1569.6 to the Health and Safety Code, relating to health facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1369, as amended, Pavley. Health facilities.

Existing law authorizes the Emergency Medical Services Authority to establish minimum standards for the training and use of automatic external defibrillators by individuals not otherwise licensed or certified for the use of the device.

Under existing law, the State Department of Health Services licenses and regulates skilled nursing and intermediate care facilities.

Under existing law, the State Department of Social Services licenses and regulates residential care facilities for the elderly.

A violation of provisions relating to residential care facilities for the elderly is a crime.

This bill would, commencing January 1, 2005, require every residential care facility for the elderly, where the facility's licensed bed capacity exceeds 60 persons to purchase, and train personnel in the use

of, automatic external defibrillators. *This bill would also provide that, under specified conditions, an employee of a residential care facility for the elderly who uses an automatic external defibrillator to render emergency care or treatment is not liable for civil damages resulting from any acts or omissions in rendering the emergency care or treatment.*

Because this bill would create a new crime, it would impose new duties upon local law enforcement agencies, thus constituting a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1569.6 is added to the Health and Safety
- 2 Code, to read:
- 3 1569.6. (a) Commencing January 1, 2005, every residential
- 4 care facility for the elderly as defined in Section 1569.2 with a
- 5 licensed bed capacity that exceeds 60 persons shall purchase, and
- 6 train personnel in the use of, an automatic external defibrillator
- 7 pursuant to Section 1797.190 and ~~subdivisions (a) to (e), inclusive,~~
- 8 ~~and (g) paragraphs (1) and (2) of subdivision (b) of Section~~
- 9 ~~1797.196.~~
- 10 (b) *An employee of a residential care facility for the elderly who*
- 11 *uses an automatic external defibrillator consistent with the terms*
- 12 *of this section to render emergency care or treatment is not liable*
- 13 *for civil damages resulting from any acts or omissions in rendering*
- 14 *the emergency care or treatment, except as provided in subdivision*
- 15 *(c).*
- 16 (c) *Subdivision (b) does not apply in the case of personal injury*
- 17 *or wrongful death that results from gross negligence or willful or*
- 18 *wanton misconduct on the part of the person who uses an*
- 19 *automatic external defibrillator to render emergency care or*
- 20 *treatment.*



1 (d) *This section may not be construed to permit the use of an*
2 *automatic external defibrillator contrary to a request to forego*
3 *resuscitative measures, advance directives, or do-not-resuscitate*
4 *orders.*

5 SEC. 2. No reimbursement is required by this act pursuant to
6 Section 6 of Article XIII B of the California Constitution because
7 the only costs that may be incurred by a local agency or school
8 district will be incurred because this act creates a new crime or
9 infraction, eliminates a crime or infraction, or changes the penalty
10 for a crime or infraction, within the meaning of Section 17556 of
11 the Government Code, or changes the definition of a crime within
12 the meaning of Section 6 of Article XIII B of the California
13 Constitution.

